

FIRST REGULAR SESSION

SENATE BILL NO. 631

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARNITZ.

Read 1st time February 28, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2458S.02I

AN ACT

To amend chapter 620, RSMo, by adding thereto one new section relating to the entrepreneurial development council, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 620, RSMo, is amended by adding thereto one new
2 section, to be known as section 620.050, to read as follows:

620.050. 1. There is hereby created, within the department of
2 **economic development, the entrepreneurial development council. The**
3 **entrepreneurial development council shall consist of seven members**
4 **from businesses located within the state and licensed attorneys with**
5 **specialization in intellectual property matters. All members of the**
6 **council shall be appointed by the governor with the advice and consent**
7 **of the senate. The terms of membership shall be set by the department**
8 **of economic development by rule as deemed necessary and**
9 **reasonable. Once the department of economic development has set the**
10 **terms of membership, such terms shall not be modified and shall apply**
11 **to all subsequent members. The entrepreneurial development council**
12 **shall evaluate and register intellectual property for a fee as determined**
13 **by the department by rule. Intellectual property evaluated and**
14 **registered by the entrepreneurial development council shall be**
15 **protected for a period of three years. Upon notification of an alleged**
16 **infringement of intellectual property rights of a protected property, the**
17 **entrepreneurial development council shall file a complaint with the**
18 **attorney general of this state for an investigation of the alleged**
19 **infringement and, if necessary, prosecution. The attorney general may**
20 **bring an action in any court of competent jurisdiction seeking the**
21 **imposition of a fine against any person, found to have infringed upon**

22 the intellectual property rights of the owner of property protected
23 under the provisions of this section. At the option of the infringed
24 upon party, the attorney general may provide a contract to the alleged
25 infringer to settle the dispute without further legal action. In the event
26 a party has been found to have infringed upon the intellectual property
27 rights of a property protected under this section and agrees to enter
28 into a contract as provided in this section and subsequently materially
29 breaches the terms of such contract, the attorney general shall initiate
30 an action on behalf of the aggrieved party for prosecution of the
31 infringement in a court of competent jurisdiction. Any court imposed
32 fines, or other compensatory measures shall be shared between the
33 entrepreneurial development council, the attorney general, and the
34 aggrieved party, with the entrepreneurial development council
35 receiving twenty percent of any such award, the attorney general
36 receiving thirty percent and the aggrieved party receiving the
37 remaining fifty percent. The department of economic development may
38 promulgate rules limiting the allocation of awards to the aggrieved
39 party, the attorney general, and the entrepreneurial development
40 council for infringements, with any excess amount to be transferred to
41 the state school moneys fund as established in section 166.051, RSMo,
42 and distributed to the public schools of this state in the manner
43 provided in section 163.031, RSMo.

44 2. Any rule or portion of a rule, as that term is defined in section
45 536.010, RSMo, that is created under the authority delegated in this
46 section shall become effective only if it complies with and is subject to
47 all of the provisions of chapter 536, RSMo, and, if applicable, section
48 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
49 and if any of the powers vested with the general assembly pursuant to
50 chapter 536, RSMo, to review, to delay the effective date, or to
51 disapprove and annul a rule are subsequently held unconstitutional,
52 then the grant of rulemaking authority and any rule proposed or
53 adopted after August 28, 2007, shall be invalid and void.

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